

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**JAMES GHASAR, *et al.*,**

**Plaintiffs,**

**V.**

**ALEJANDRO AMAYA, *et al.*,**

**Defendants.**

**Civil Action No. 1:19-cv-01296 (CMH/IDD)**

**ALEJANDRO AMAYA'S ANSWER TO THE AMENDED COMPLAINT**

Alejandro Amaya, through undersigned counsel, and under Fed. R. Civ. P. 12(a)(1)(A)(i) and this Court’s June 7, 2019 Order (Dkt. No. 40), files his Answer to the Amended Complaint (“Complaint”). All allegations in the Complaint are denied, unless stated otherwise.<sup>1</sup>

## INTRODUCTION

1. Denied.
2. Denied.
3. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 3.

<sup>1</sup> Despite the federal government’s investigation of Mr. Amaya for possible criminal violations, he unequivocally asserts his innocence. As an innocent person in this particular type of criminal investigation, Mr. Amaya must also protect his Right to Silence under the Fifth Amendment of the U.S. Constitution. The Fifth Amendment “privilege *protects the innocent as well as the guilty.*” *Ohio v. Reiner*, 532 U.S. 17 (2001) (emphasis added). The Supreme Court has repeatedly “emphasized that *one of the Fifth Amendment’s basic functions. . . is to protect innocent men . . . who otherwise might be ensnared by ambiguous circumstances.*” *Id.* (internal citations omitted) (emphasis added). Here, as demonstrated by the incorrect information in this Complaint, Mr. Amaya is ensnared by ambiguous circumstances. Accordingly, Mr. Amaya asserts his innocence and preserves his Right to Silence under the Fifth Amendment; nothing in this Answer should be interpreted to waive Mr. Amaya’s constitutionally protected rights.

4. Admitted that Bijan Ghaisar (“Ghaisar”) was pursued by several marked police vehicles at different times. Mr. Amaya occupied one of the marked police vehicles. All other allegations are denied.

5. Denied.

6. Mr. Amaya denies the allegations as stated.

7. Denied.

8. Mr. Amaya respectfully declines to respond in order to protect his rights under the Fifth Amendment of the United States Constitution.

9. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 9.

10. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 10.

11. Denied.

12. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 12.

13. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 13.

14. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 14.

15. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 15.

16. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 16.

17. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 17.

18. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 18.

19. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 19.

20. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 20.

21. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 21.

22. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 22.

23. Paragraph 23 contains conclusions of law to which no response is required. To the extent a response is required, the allegations are denied.

### **JURISDICTION AND VENUE**

24. The allegations in Paragraph 24 are jurisdictional in nature and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

25. The allegations in Paragraph 25 are jurisdictional in nature and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

26. The allegations in Paragraph 26 are jurisdictional in nature and legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

### **JURY DEMAND**

27. Paragraph 27 is a jury demand to which no response is required.

### **PARTIES**

28. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 28.

29. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 29.

30. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 30.

31. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 31.

32. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 32.

33. Mr. Amaya respectfully declines to respond to this allegation in order to preserve his rights under the Fifth Amendment of the U.S. Constitution.

34. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 34.

### **ALLEGED FACTS**

35. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 35.

36. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 36.

37. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 37.

38. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 38.

39. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 39.

40. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 40.

41. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 41.

42. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 42.

43. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 43.

44. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 44.

45. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 45.

46. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 46.

47. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 47.

48. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 48.

49. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 49.

50. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 50.

51. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 51.

52. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 52.

53. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 53.

54. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 54.

55. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 55.

56. Mr. Amaya admits that he and Officer Vinyard were in one of the several marked police cruisers that followed Mr. Ghaisar. But, Mr. Amaya lacks sufficient information to admit or deny the remaining allegations in Paragraph 56.

57. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 57.

58. Admitted.

59. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 59.

60. Mr. Amaya respectfully declines to respond to this allegation in order to preserve his rights under the Fifth Amendment of the U.S. Constitution.

61. The allegations in Paragraph 61 are denied as they relate to Mr. Amaya and no response is required to the extent that Paragraph 61 relates to the conduct of other people.

62. The allegations in Paragraph 62 are denied as they relate to Mr. Amaya and no response is required to the extent that Paragraph 62 relates to the conduct of other people.

63. Denied.

64. The first sentence contains conclusions of law to which no response is required. Mr. Amaya denies the last sentence and lacks sufficient information to admit or deny the remaining allegations in Paragraph 64.

65. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 65.

66. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 66.

67. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 67.

68. Mr. Amaya respectfully declines to respond to this allegation in order to protect his rights under the Fifth Amendment of the U. S. Constitution.

69. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 69.

70. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 70.

71. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 71.

72. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 72.

73. Mr. Amaya lacks sufficient information to admit or deny the allegations in the first sentence of Paragraph 73.

74. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 74.

75. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 75.

76. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 76.

77. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 77.

78. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 78.

79. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 79.

80. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 80.

81. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 81.

82. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 82.

83. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 83.

84. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 84.

85. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 85.

86. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 86.

87. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 87.

88. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 88.

89. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 89.

90. Denied.

91. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 91.

92. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 92.

93. Denied.

94. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 94.

95. Mr. Amaya respectfully declines to respond to this allegation in order to preserve his rights under the Fifth Amendment of the U. S. Constitution.

96. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 96.

97. Mr. Amaya respectfully declines to respond to this allegation in order to preserve his rights under the Fifth Amendment of the U.S. Constitution.

98. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 98.

99. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 99.

100. Denied.

101. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 101.

102. Denied

103. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 103.

104. Denied

105. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 105.

106. Denied.

107. Denied.

108. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 108.

109. Paragraph 109 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

110. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 110.

111. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 111.

112. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 112.

113. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 113.

114. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 114.

115. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 115.

116. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 116.

117. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 117.

118. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 118.

119. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 119.

120. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 120.

121. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 121.



122. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 122.

123. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 123.

124. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 124.

125. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 125.

126. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 126.

127. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 127.

128. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 128.

129. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 129.

130. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 130.

131. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 131.

132. Mr. Amaya lacks sufficient information to admit or deny the allegations in Paragraph 132.

**FIRST CLAIM FOR RELIEF**

**Violation of Fourth Amendment rights / 42 U.S.C. § 1983 (Amaya and Vinyard)**

133. The forgoing responses to Paragraphs 1-132 are incorporated herein.

134. Paragraph 134 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

135. Mr. Amaya denies the first sentence of Paragraph 135. The remaining allegations in Paragraph 135 contain legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

136. Paragraph 136 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

137. Paragraph 137 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

138. Paragraph 138 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

139. Paragraph 139 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

**SECOND CLAIM FOR RELIEF  
AGAINST JOHN DOES 3-10**

140. The forgoing responses to Paragraphs 1-139 are incorporated herein.

141. The allegations in Paragraph 141 are not directed to Mr. Amaya and thus no response is required.

142. The allegations in Paragraph 142 are not direct to Mr. Amaya and thus no response is required.

143. The allegations in Paragraph 143 are not direct to Mr. Amaya and thus no response is required.

144. The allegations in Paragraph 144 are not direct to Mr. Amaya and thus no response is required.

### **DAMAGES**

145. Paragraph 145 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

146. Paragraph 146 contains legal conclusions to which no response is required. To the extent a response is required, the allegations are denied.

### **AFFIRMATIVE AND GENERAL DEFENSES**

1. The Complaint fails to state a claim upon which relief may be granted.
2. The causes of action may be barred by *res judicata* or *collateral estoppel*.
3. Plaintiffs' claims may be barred by doctrine of laches or the applicable statute of limitations.
4. Plaintiffs may have failed to mitigate their damages.
5. Mr. Amaya's actions did not violate the Fourth Amendment (or any other constitutional amendment) and were reasonable.
6. Mr. Amaya denies all allegations of wrongdoing, including but not limited to violations of common law, statutory and operational standards, negligence, deliberate indifference, and unconstitutional policy or custom. Mr. Amaya further denies that Plaintiffs are entitled to any relief.
7. If Mr. Ghaisar was injured and/or damaged as alleged in the Complaint, such injuries were the result of his own intentional, illegal, and/or otherwise wrongful conduct.

8. At all times relevant herein, Mr. Amaya acted in good faith and with the reasonable belief that his actions were lawful under the circumstances.

9. Mr. Amaya acted in self-defense and in the defense of others.

10. Mr. Amaya is entitled to qualified immunity for his actions.

11. Mr. Amaya reserves the right to raise additional defenses as discovered via litigation and/or investigation.

### **DEMAND FOR JURY TRIAL**

Mr. Amaya, by and through his counsel, hereby demands a trial by jury.

WHEREFORE, Mr. Amaya prays that the Court will dismiss the Complaint and award him the expense of litigation, costs and interest, and such other relief as the Court deems just and proper.

June 27, 2019

Respectfully submitted,

/s/ John Hundley

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